

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action mailed April 15, 2009. Claims 1, 9, 10, and 14 have been amended in the present response. Claims 1-20 remain pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Rejection of Claims under 35 U.S.C. §101

Claims 1-13 have been rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The Office Action contends that independent claim 1 is directed towards software per se and that independent claim 10, although reciting "means for" elements, does not define a hardware element. See page 2.

To address the Examiner's concerns, claim 1 has been rewritten to include memory and a processor which are hardware elements. Regarding claim 10, Applicant notes that 35 U.S.C. § 112, sixth paragraph, states that an "element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." Accordingly, claim 10 recites "means for storing a plurality of resident accounts . . . means for updating a respective resident account . . . means for adding account information . . . and means for updating availability of the guest slots" and Applicant's specification refers to hardware implementations and flow charts corresponding to the recited means. See paragraphs 00106 and FIGs. 7, 9-11, and 14-17. As such, in accordance with 35 U.S.C. § 112, the elements of claim 10 should be construed to cover at least the corresponding structure described in the specification, which is not software per se. Therefore, withdrawal of the rejection of independent claim 10 and depending claims 10-13 is warranted and respectfully requested.

3. Rejection of Claims under 35 U.S.C. §103

Claims 1, 6-7, 14, and 18 have been rejected under 35 U.S.C. §103(a) as allegedly being anticipated by *Carolán* (U.S. Patent Publication No. 2004/0133440 A1) in view of *Tapsell* (U.S. Publication No. 2004/0102992 A1). Claims 8-9, 16-17, and 19-20 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Carolán* in view of *Tapsell* in further view of *Szeto* (U.S. Patent Publication No. 2003/0140103 A1). Claims 2-3 and 15 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Carolán* in view of *Tapsell* in further view of *Keohane* (U.S. Patent Publication No. 2005/0216842 A1). Claims 4-5 and 10-13 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Carolán* in view of *Tapsell* in further view of *Keohane* in further view of *Szeto*.

a. Claim 1

As provided in independent claim 1, Applicant claims:

A system for monitoring guests in a network community, comprising:

an account database maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; and

an account server having at least memory and a processor, the account server updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance and relaying the availability status to the resident user.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Carolán* in view of *Tapsell* does not disclose, teach, or suggest at least “an account database maintaining a plurality of resident accounts for a plurality of

resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; and an account server having at least memory and a processor, the account server updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance and relaying the availability status to the resident user," as emphasized above.

Carolán describes a community portal that allows a member to arrange a personal community. See para. 0043. "Thus, members are able to invite others (including non-members) to join their personal community. Invited non-members must become global community members, in order to join personal communities." See para. 0045. "Inviting someone to join one's personal community does not itself create a global community account. However, the invited person must have an account in order to join the personal community of any member." See para. 0068. As such, *Carolán* describes that a user has to already be a member of the community portal before the user can join a personal community. Accordingly, *Carolán* does not disclose a number of guest slots being allotted or allocated to a resident user and the filling of the slots and updating status information of the guest slots in the manner claimed.

As a result, *Carolán* fails to teach or suggest at least "an account database maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; and an account server having at least

memory and a processor, the account server updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance and relaying the availability status to the resident user," as recited in claim 1.

Further, *Tapsell* discloses assigning time slots for a visitor destination to visitors by appointment, such as places on a ride at an amusement park. See paras. 0041-0042. Accordingly, *Tapsell* does not remedy the deficiencies of *Carolán*. As a result, *Carolán* in view of *Tapsell* does not teach or suggest at least "an account database maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; and an account server having at least memory and a processor, the account server updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance and relaying the availability status to the resident user," as recited in claim 1.

Therefore, claim 1 is patentable over *Carolán* in view of *Tapsell*, and the rejection of claim 1 should be withdrawn.

b. Claims 2-9

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 6 and 7 depend from claim 1, claims 6 and 7 are allowable as a matter of law over the cited art of record.

Further, *Keohane* and *Szeto* fail to remedy the deficiencies of *Carolán* and *Tapsell*. Therefore, since claims 2-5 and 8-9 depend from claim 1, claims 2-5 and 8-9 are allowable as a matter of law over the cited art of record.

c. Claim 10

As provided in independent claim 10, Applicant claims:

A system for monitoring guest users of a network community, comprising:

means for storing a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled;

means for updating a respective resident account with the status of the guest account sponsored by the resident user of the resident account;
and

means for adding account information concerning the guest account to the respective resident account upon the generation of the guest account, wherein the account information includes a date upon which a guest invitation was sent to a respective guest user and an end-date upon which the guest account is scheduled to end; and

means for updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest user making the acceptance and relaying the availability status to the resident user.

(Emphasis added).

Applicant respectfully submits that independent claim 10 is allowable for at least the reason that *Carolán* in view of *Tapsell* in further view of *Keohane* in further view of *Szeto* does not disclose, teach, or suggest at least “means for storing a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots

available to be filled” and “means for updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest user making the acceptance and relaying the availability status to the resident user,” as emphasized above.

Carolán describes a community portal that allows a member to arrange a personal community. See para. 0043. “Thus, members are able to invite others (including non-members) to join their personal community. Invited non-members must become global community members, in order to join personal communities.” See para. 0045. “Inviting someone to join one’s personal community does not itself create a global community account. However, the invited person must have an account in order to join the personal community of any member.” See para. 0068. As such, *Carolán* describes that a user has to already be a member of the community portal before the user can join a personal community. Accordingly, *Carolán* does not disclose a number of guest slots being allotted or allocated to a resident user and the filling of the slots and updating status information of the guest slots in the manner claimed.

Therefore, *Carolán* fails to teach or suggest at least “means for storing a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled” and “means for updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest user making the acceptance and relaying the availability status to the resident user,” as recited in claim 10.

Further, *Tapsell* discloses assigning time slots for a visitor destination to visitors by appointment, such as places on a ride at an amusement park. See paras. 0041-0042. Accordingly, *Tapsell* does not remedy the deficiencies of *Carolán*. As a result, *Carolán* in view of *Tapsell* does not teach or suggest at least “means for storing a

plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled” and “means for updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest user making the acceptance and relaying the availability status to the resident user,” as recited in claim 10.

Neither *Keohane* nor *Szeto* remedies the aforementioned deficiencies. Accordingly, claim 10 is patentable over *Carolan* in view of *Tapsell* in further view of *Keohane* in view of *Szeto*, and the rejection of claim 10 should be withdrawn.

d. Claims 11-13

For at least the reasons given above, claim 10 is allowable over the cited art of record. Since claims 11-13 depend from claim 10, claims 11-13 are allowable as a matter of law over the cited art of record.

e. Claim 14

As provided in independent claim 14, Applicant claims:

A method for monitoring guest users of a network community, comprising:

maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled;

updating a respective resident account with the status of the guest account sponsored by the resident user of the resident account; and

updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest user making the acceptance and relaying the availability status to the resident user.

(Emphasis added).

Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Carolan* in view of *Tapsell* does not disclose, teach, or suggest at least “maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; updating a respective resident account with the status of the guest account sponsored by the resident user of the resident account; and updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the

acceptance and relaying the availability status to the resident user,” as emphasized above.

Carolan describes a community portal that allows a member to arrange a personal community. See para. 0043. “Thus, members are able to invite others (including non-members) to join their personal community. Invited non-members must become global community members, in order to join personal communities.” See para. 0045. “Inviting someone to join one’s personal community does not itself create a global community account. However, the invited person must have an account in order to join the personal community of any member.” See para. 0068. As such, *Carolan* describes that a user has to already be a member of the community portal before the user can join a personal community. Accordingly, *Carolan* does not disclose a number of guest slots being allotted or allocated to a resident user and the filling of the slots and updating status information of the guest slots in the manner claimed.

As a result, *Carolan* fails to teach or suggest at least “maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; updating a respective resident account with the status of the guest account sponsored by the resident user of the resident account; and updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance and relaying the availability status to the resident user,” as recited in claim 14.

Further, *Tapsell* discloses assigning time slots for a visitor destination to visitors by appointment, such as places on a ride at an amusement park. See paras. 0041-0042. Accordingly, *Tapsell* does not remedy the deficiencies of *Carolan*. As a result, *Carolan* in view of *Tapsell* does not teach or suggest at least “maintaining a plurality of resident accounts for a plurality of resident users of the network community, a resident

account being allocated a limit on a number of guest slots that are available to be filled with guest users having guest accounts sponsored by a resident user of the resident account, the resident user of the resident account being enabled to offer guest invitations for global membership to the network community to accept and establish a guest account to the network community sponsored by the resident user, the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; updating a respective resident account with the status of the guest account sponsored by the resident user of the resident account; and updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance and relaying the availability status to the resident user," as recited in claim 14.

Therefore, claim 14 is patentable over *Carolán* in view of *Tapsell*, and the rejection of claim 14 should be withdrawn.

f. Claims 15-17 and 19-20

For at least the reasons given above, claim 14 is allowable over the cited art of record. Since claim 18 depends from claim 14, claim 18 is allowable as a matter of law over the cited art of record.

Further, *Keohane* and *Szeto* fail to remedy the deficiencies of *Carolán* and *Tapsell*. Therefore, since claims 15-17 and 19-20 depend from claim 14, claims 15-17 and 19-20 are allowable as a matter of law over the cited art of record.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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